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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/25/1997

To: Criminal Investigative

Attn: Financial Crimes Section
Health Care Fraud Unit
Room 3849
Attn: SSA [REDACTED]

From: New York
C-33

Contact: SA [REDACTED] X3392

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 209A-NY-263956 (Pending)

Title: UNSUBS;
ILLEGAL SALE OF ORGANS FOR TRANSPLANT;
HCF-GSP;
OO: NEW YORK

Synopsis: Summary of investigation to date.

Details: For information of FBIHQ, on 10/20/97, captioned matter was referred to the NYO by the United States Attorney's Office-Southern District of New York (USAO) after the airing of ABC's PRIME TIME LIVE (PTL) episode on 10/15/97. The PTL episode indicated that individuals in the People's Republic of China were improperly obtaining organs from executed prisoners and transplanting them for profit into individuals in Europe, the United States and possibly other countries.

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FEDERAL BUREAU OF INVESTIGATION
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FEDERAL BUREAU OF INVESTIGATION
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209A-NY-263956-11

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Rec'd 12/18/97

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FBI-NEW YORK	

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/7/97

HARRY WU, 168 Fountain Bleu Court, Milpitas, California, telephone number (408) 262-0219, Date of Birth February 8, 1937, Social Security Account Number 556-87-1733, was contacted telephonically to arrange for an interview. WU traveled to New York and was interviewed at the United States Attorney's Office, Southern District of New York, One St. Andrews Plaza, New York, New York. Present were Assistant United States Attorneys (AUSA) [redacted] and [redacted] (for a portion of the interview), and Special Agent (SA) [redacted] Federal Bureau of Investigation. After being advised of the identities of the interviewing individuals and the purpose of the interview, WU provided the following:

WU advised that he had been incarcerated in a Chinese prison from 1960 to 1979 and said he was aware of approximately one prisoner execution per year. WU advised transplants in China began in approximately 1979 and the organs transplanted were primarily kidneys. WU advised that it is a Chinese tradition to bury the "whole" body and transplants were uncommon. He also advised that China does not have an organ donation program similar to the United States, for instance, if a person is involved in an accident and declared "brain dead".

WU stated the Chinese Government has the right to take organs for medical reasons (for money) and that it is a National policy. WU referred to a 1984 document, initially a secret document, that stated organs can be taken if a body was uncollected, the individual gave consent or if the family of the individual consented. WU advised it is also a Chinese tradition that prisoners are usually denounced by their families.

A Chinese physician, now living in Germany, once told WU that he had removed two kidneys from a prisoner, prior to the prisoner being executed. The prisoner was executed the following day. This physician told WU where the hospital was that this occurred and WU went there posing as a wealthy American. An individual named [redacted] posed as his spouse. They told the hospital they needed an organ and they were told they had to wait

Investigation on 11/3/97 at New York, New YorkFile # 209A-NY-263956

Date dictated _____

by SA [redacted] am

209A-NY-263956

Continuation of FD-302 of Harry Wu, On 11/3/97, Page 2

until the next execution. WU was told the cost would be \$30,000, cash only. WU and [] went to three other hospitals with the same story and saw some patients on the ward. He said the patients were very sick and were very grateful the doctors were helping them. He felt like he shouldn't expose this. WU said the Chinese Government was upset with him.

In the United States, WU had a friend in the New York area who saw an advertisement in THE WORLD JOURNAL (East Edition), on May 16, 1997, regarding kidney transplants in China. The advertisement ran for one month. WU and his [] called the telephone number in the paper. The number belonged to [] and WU traced an address of [] Connecticut, for [] through the telephone number. WU posed as DAVID LING, a wealthy businessman whose brother-in-law desperately needed a kidney to live. WU's [] posed as his wife. WU advised [] would not give up any information regarding China before money had been paid to []

After several telephone conversations, [] met with WU's [] The meeting took place at the ESSEX HOUSE in New York, New York and was filmed by a hidden camera placed in the hotel room by ABC. ABC had been contacted by WU after several telephone calls had been made to [] ABC filmed the meetings and portions were later shown on ABC's PRIME TIME LIVE.

[] had told WU's [] that he needed a medical report of her brother so her brother could be matched with a patient in China. [] said there were many to choose from and not to worry about the quality of the organ. WU and his [] prepared a medical file of a person with kidney disease and provided it to [] at their first meeting. WU was not a part of the meeting, he was in the adjoining room while WU's [] met with [] and [] WU was watching the meeting on a camera in the adjoining room, also equipped with audio.

[] had told WU's [] the cost would be \$30,000 and a \$5,000 deposit would need to be paid (in cash) initially and the balance paid to [] in China, not the doctors. [] also provided the name of [] Last Name Unknown (LNU),

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209A-NY-263956

Continuation of FD-302 of Harry Wu, On 11/3/97, Page 3

telephone number [redacted] who lives in [redacted] [redacted] as an individual he helped receive a kidney. [redacted] also said there was another individual in [redacted] he helped but did not provide any identifying information. [redacted] provided this information when WU's [redacted] asked him for references.

WU's [redacted] then received a telephone call from [redacted] and said that everything was ready and that his [redacted] would accompany WU's brother-in-law to China. The surgery was scheduled for July 28, 1997. [redacted] requested that WU's [redacted] provide her brother's address to him but WU's [redacted] said he was in Paris, France. [redacted] then provided the name of the hospital in China, a telephone number and a contact person in China. WU said they would buy an airline ticket for [redacted] to China.

After WU's [redacted] paid [redacted] \$5,000 at a second meeting in the same hotel, she asked him to sign a receipt which also asked for his Social Security Account Number, Passport Number and Driver's License Number. [redacted] provided the information. [redacted] said he would take care of everything.

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WU's [redacted] had a signal or cue to bring in WU and BRIAN ROSS, an ABC employee, which she utilized. WU and ROSS then came in to the room and confronted [redacted] about selling organs of executed prisoners. [redacted] indicated he had been trapped. [redacted] asked WU not to expose him.

In China, the Middle Court sentences a prisoner and the Supreme Court approves the decision. The Supreme Court is the final decision and the sentence is then ratified. The sentence is not announced to the prisoner. After the sentence is ratified, it is sent back to the detaining facility. The security police hold this information and wait for a political opportunity or a medical reason to execute the prisoner. The medical tests have already been conducted to match a prisoner with a patient. The prisoner is then matched to a recipient. After a prisoner is matched, the execution takes place.

Chinese executions occur in public to help keep social

209A-NY-263956

Continuation of FD-302 of Harry Wu, On 11/3/97, Page 4

order and educate the public to show the power of a dictatorship. The executions are generally held before a holiday. The individuals to be executed are selected and the verdict is publicly announced the day of the execution.

A Thai doctor put WU in touch with several Thai patients. WU spoke to a female patient named [redacted] (phonetic) who stated she had traveled to China on January 7, 1993 and had a kidney transplant on January 9, 1993. [redacted] stated that 45 prisoners were executed that same day.

W.R. GRACE set up a dialysis center at the NAN FUNG HOSPITAL in China which was sold to a German company. A former [redacted] W.R. GRACE, [redacted] now living in [redacted] telephone number [redacted] had been contacted by ABC regarding the dialysis center and the transplanting of kidneys. [redacted] made frequent trips to China to monitor the dialysis center, his last trip took place in October of 1996. [redacted] told ABC, according to WU, that using the organs was common knowledge and he was aware of preparing the patients to receive the organs of prisoners.

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The money received for the organ transplants goes to the Chinese government. Out of that money, the courts and police are paid.

A physician now living in [redacted] told WU he participated in removing organs from executed prisoners in a surgical vehicle at the execution site.

WU said Hong Kong has the largest number of transplants. He also said there are no negotiations regarding the cost of the transplant operation.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 209A-NY-263956

26 Federal Plaza
New York, New York 10278
December 18, 1997

U.S. Food and Drug Administration
Office of Criminal Investigations
10 Exchange Place
Suite 804
Jersey City, NJ 07302

Attn: SSA [REDACTED]
SA [REDACTED]

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Dear Sirs:

This letter is in response to your office becoming involved in the investigation concerning the illegal sale of organs for transplant in China.

For your information, on 10/20/97, this matter was referred to the New York Office of the Federal Bureau of Investigation (NYO) by the United States Attorney's Office-Southern District of New York (USAO) after the airing of ABC's PRIME TIME LIVE (PTL) episode on 10/15/97. The PTL episode indicated that individuals in the People's Republic of China were improperly obtaining organs from executed prisoners and transplanting them for profit into individuals in Europe, the United States and possibly other countries.

[Handwritten signature/initials]

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2 December 22

-October 30, 1997

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PERSONNEL FILES

Honorable Linda A. Smith
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Smith:

Your October 17th correspondence to Attorney General Janet Reno, also signed by Congressman Frank R. Wolf, was referred to the FBI for reply. You referred to a television program that featured a story on the sale of body organs that are allegedly taken from executed criminal prisoners in China, and you inquired whether any federal laws exist making it illegal to buy or sell such organs in the United States.

The FBI's Office of General Counsel has advised that the sale of a human body organ may be a violation of U.S. Code, Title 42, Section 274e, the National Organ Transplant Act, which states "...It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce." Any person who violates this subsection is subject to a \$50,000 fine and/or up to 5 years' imprisonment. Since the incidents depicted on the referenced television program could be a violation falling within the FBI's investigative jurisdiction, this matter has been referred to our New York Office, which is working closely with the U.S. Attorney's Office, Southern District of New York. It should be noted that the Office of Inspector General, Department of Health and Human Services, has previously conducted investigations regarding the sale of reusable body organs and may have investigative interest in the activities depicted on television.

- 1 - SAC, Seattle - Encs.
- ① - ADIC, New York - Encs.
- 1 - Mr. Gallagher (7116) Encs.
- 1 - [redacted] (3849) - Encs.
Attn: [redacted]
- 1 - [redacted] (5042) - Encs.
Attn: [redacted]
- 1 - CAO (7240)
- 1 - FBICR (6242) - Enc.
- 62C-HQ-1077226

NOTE: Reply coordinated with SSAs [redacted] Health Care Fraud Unit, and [redacted] VC/FU, CID. Legal opinion furnished to SSA [redacted] by [redacted] Investigative Liaison [redacted] BHM:bhm

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FBI - NEW YORK	

about to be sold. But the tape shows guards precisely lining up their guns at the base of the skull. That makes retrieval of kidneys and organs much easier. And Dr. Guttman says certain medical preparations begin well before the execution.

Dr. RONALD GUTTMAN: They're given anti-coagulant drugs so the blood won't clot when they're executed. They're given muscle relaxants.

BRIAN ROSS (voice-over): And then, with a large crowd watching, the command is given.

SOLDIER: Fire!

(Gunshots)

Dr. ZHOU WEI CHENG (ph) (through translator): After the execution, doctors removed the prisoner and placed him in the ambulance.

BRIAN ROSS (voice-over): A Chinese doctor, Zhou Wei Cheng, who now lives in Atlanta, told us what happens once the prisoners are dead, based on what he saw at his hospital just before he fled China in 1994.

Dr. ZHOU WEI CHENG (through translator): First, there was a cut from the back to extract the kidneys. Dr. Chen (ph) from the surgical department also took out the eyeballs and a piece of skin from the dead prisoner's abdomen. The orthopedist cut out one section of the bone from the lower leg. All the extracted organs were placed in a special kind of liquid to maintain the freshness.

Then they rushed back to the hospital. In the hospital, two patients were lying on the operating table waiting for the transplants. When the ambulance arrived, the kidneys were placed into the patients' bodies. All the other organs were only for laboratory experiments.

HARRY WU, Former Political Prisoner: The rifle right away placed in the back.

BRIAN ROSS (voice-over): The graphic tape was secretly removed from military archives and smuggled out of China by an underground group of dissidents and provided to PrimeTime Live by a former political prisoner who spent almost 19 years in a Chinese prison and has become China's most outspoken and despised critic, Harry Wu.

HARRY WU: This is fundamental violation of human rights.

BRIAN ROSS (voice-over): For the last three years, Wu has been traveling the world trying to expose the black market in prisoners' body parts, which Wu says has spread from Asia to Europe and now to the United States, as he showed us with a recent copy of a Chinese language newspaper published in New York.

HARRY WU: There's a small piece advertisement right here.

BRIAN ROSS (on camera): What does that say?

HARRY WU: "Kidney transplant in Mainland China. Don't miss the opportunity. Call."

BRIAN ROSS (voice-over): So we did. Our call to the advertised number in Bridgeport, Connecticut, led to this meeting in a New York City hotel with a Chinese doctor and his wife, a Dr. and Mrs. Dai, who -- with our hidden cameras rolling -- told us they had already helped provide kidneys for several Americans but, that because of Harry Wu, everything had to be kept very quiet.

Dr. DAI (through translator): You've probably heard of Harry Wu. I have to be careful because people

calling us might have the same agenda as Harry Wu. We are fully aware of the sensitive nature of this issue.

Usually we don't talk about this.

BRIAN ROSS (voice-over): With the help of a woman who works with Harry Wu, we told the Chinese doctor that a kidney was needed for a sick brother. The doctor told us no problem, that he knew, a month in advance, that a new batch of prisoners' kidneys would soon be available.

Dr. DAI (through translator): At the end of July, there will definitely be kidney sources that will match your brother's situation, in age and everything. If you are willing to go there around the 20th of July to receive a kidney from the July batch.

BRIAN ROSS (voice-over): The total price for a transplanted kidney, according to Dr. Dai, \$30,000 in cash, with a downpayment to be made in New York.

Mrs. DAI (through translator): If you decide to go ahead with this, then you pay us \$5,000, and we will order and reserve a kidney and a bed in the hospital.

BRIAN ROSS (voice-over): The hospital we were to be sent to is a hospital which, as the sign outside in English says, belongs to the PLA, the Peoples' Liberation Army, called the Nanfang Hospital, three hours north of Hong Kong. We came here as tourists, given the Chinese government's denial that it's in the business of selling organs of executed prisoners, and we asked two Chinese dissidents to carry a hidden camera inside.

This is the heart of the military's kidney business, an elaborate medical complex where patients told us numerous

foreigners had just received or were waiting to receive kidney transplants among hundreds of foreigners who have received kidneys here in the last few years.

APPLE YOONUCH, Transplant Patient: I just talked to the doctor...

BRIAN ROSS (voice-over): One of them was 38-year-old Apple Yoonuch of Bangkok.

APPLE YOONUCH: First time, I asked the doctor, "Where, where can I get a kidney?" And they said, "From a prisoner."

BRIAN ROSS (voice-over): That prisoner's kidney is now in her body, and even though it saved her life, the experience has left Ms. Yoonuch full of regret and willing to talk with PrimeTime, breaking the circle of silence that has surrounded what goes on at the Nanfang military hospital. First, she said, doctors in China took her blood and tissue samples and then sent her home to wait.

APPLE YOONUCH: Third of January, the doctor called me that there will be an execution. It means that prisoners, some prisoners are going to be shot dead.

BRIAN ROSS (on camera): And one of them matches up with you?

APPLE YOONUCH: Yes. So I have to come over and prepare myself to be -- to get the operation, kidney operation.

BRIAN ROSS (voice-over): Six days later, according to the local paper, 45 prisoners were sentenced to death and executed on the same day, including one who apparently, even before he had been sentenced to death, was found to have the same blood and tissue type as Apple Yoonuch.

has expanded around the world, continues to deny any such business actually exists.

In a letter to PrimeTime, the Chinese embassy in Washington suggested we stop production of our story saying, "The so-called the sale of criminals' organs in China is a deliberate fabrication with ill intentions." And that in the rare instance when a prisoner's organ is used, the death row criminals voluntarily sign up.

Dr. Guttman says that makes a mockery of international principles adopted in the wake of Nazi medical experiments.

Dr. RONALD GUTTMAN: There's no such thing as, first of all, as of consent when you're talking about incarcerated people to say, "Well, we can produce a piece of paper that the prisoner has given consent before we kill him," is a kind of ludicrous thing.

BRIAN ROSS (voice-over): No other country in the world is known to use the organs of prisoners, except for China, which, based on our PrimeTime Live investigation appears to have turned its chilling executions of thousands of people into a multimillion dollar black market of a kind the world has never seen.

DIANE SAWYER: The U.S. State Department says that it has received reports in the past about organs from prisoners being sold but could not confirm them. They told us they were eager to see our story tonight and will talk with Harry Wu.

ANNOUNCER: Murder in Mississippi. Now the details of conspiracy you haven't heard. In a town of churches, officials worry about a demonic cult.

BILL SLADE, Pearl Police Chief: There is some evidence that these people

were involved in some type of satanic worship.

ANNOUNCER: Plus, he's Alex now, but he grew up as Alice. What's it like living as a man in a woman's body -- when PrimeTime continues.

(Commercial Break)

Murder In Mississippi

ANNOUNCER: PrimeTime continues. Now from Washington, Sam Donaldson.

SAM DONALDSON, ABC News: It has happened before, of course. Life in smalltown America shattered by senseless violence. As we all know by now, it happened again two weeks ago in Pearl, a town in the heart of Mississippi. A high school student is accused of going on a murderous rampage.

But this time, while the town was reeling from that tragic news, no one was watching for the crushing news about the land. Six more teenagers arrested, as we hear stories of a secret society with plans to kill again. Tonight, Jay Schadler has exclusive new details as the people of Pearl try to cope with their grief and search for answers.

(Piano plays)

BOB MENEFEE, Victim's Father: It was a shock. It was an air of disbelief. No one wanted to believe this has actually happened.

JAY SCHADLER, ABC News (voice-over): In Pearl, Mississippi, the night seems a little darker. Madness a touch closer than ever before.

(on camera) To say this small town of 22,000 has been traumatized doesn't begin to do justice to what's happening here. One teenager's rampage has led to the arrest of six other students, all charged

(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/04/1997

To: New York

Attn: Financial Management Unit

From: New York

C-33

Contact: SA [REDACTED] X3392

Approved By: [REDACTED]

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Drafted By: [REDACTED]

Case ID #: 209A-NY-263956 (Pending)

Title: UNSUBS;
ILLEGAL SALE OF ORGANS FOR TRANSPLANT;
HCF-GSP;
OO: NEW YORK

Synopsis: Request for payment from case funds.

Details: This investigation was predicated upon airing of a Prime Time Live television program which indicated that subjects in the People's Republic of China (primarily the PEOPLE'S LIBERATION ARMY or PLA) were improperly and illegally obtaining bodily organs from executed prisoners and selling them for transplant. The program indicated that, in some cases, prisoners were selected for execution based upon tissue matching that indicated their organs were desirable for transplant following their conviction for crimes but prior to their sentencing.

(Handwritten mark: a circle with an 'X' and an arrow pointing to it)

The individual primarily responsible for the information in this program was HARRY WU. WU was asked by the New York Office of the FBI and the U.S. Attorney's Office-Southern District of New York, to travel to New York to be interviewed and he agreed.

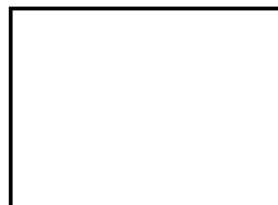
WU incurred expenses of [REDACTED] (airfare from Providence, RI to New York, New York and cab fare) for the interview which took place on 11/3/97. An additional [REDACTED] is requested to purchase a money order. It is requested that an amount of [REDACTED] be expended from case funds to cover this expense.

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Balance as of 11/4/97

Payment

Balance after payment



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FBI NEW YORK	

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(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/09/1998

To: New York

Attn: Financial Management Unit

From: New York

C-33

Contact: SA [REDACTED] X3392

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 209A-NY-263956 (Pending)

Title: UNSUBS;
ILLEGAL SALE OF ORGANS FOR TRANSPLANT;
HCF-GSP;
OO: NEW YORK

Synopsis: Request for payment from case funds.

Details: HARRY WU, who traveled to the New York Office of the FBI on 11/3/97 at the request of writer, submitted additional receipts for travel expenses totaling [REDACTED] WU was previously paid [REDACTED] to cover the majority of expenses. It is requested that [REDACTED] be expended from case funds to reimburse WU.

Balance as of 1/9/98

Payment requested

Balance after payment

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(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/22/1998

To: San Francisco

From: New York

C-33

Contact: SA [REDACTED] X3392

 Approved By: [REDACTED]

Drafted By: [REDACTED]

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Case ID #: 209A-NY-263956-19 (Pending)

Title: UNSUBS, aka

[REDACTED]
ILLEGAL SALE OF ORGANS FOR TRANSPLANT;
HCF-GSP;
OO: NEW YORK

Synopsis: Reimbursement of funds expended by HARRY WU.

Previous Title: UNSUBS;
ILLEGAL SALE OF ORGANS FOR TRANSPLANT;
HCF-GSP;
OO: NEW YORK

Enclosures: 1. One International Money Order # 235 3105 225 in the amount of [REDACTED]

b7E

2. One Chase Money Order # 0035015918 in the amount of [REDACTED]

3. One receipt to be signed by WU and returned to New York after payment is made.

Details: Captioned investigation was initiated after the airing of ABC's PRIME TIME LIVE on 10/15/97 which indicated that individuals in the People's Republic of China were improperly obtaining organs from executed prisoners and transplanting them for profit into individuals residing in Europe, the United States and other countries. All the transplant operations took place in China.

HARRY WU was responsible for developing the information which lead to ABC's involvement and the taping of several meetings which occurred in New York. WU is not a target or subject of this investigation.

On 11/3/97, at the request of the New York Office of the FBI and the United States Attorney's Office-Southern District of New York, WU traveled to New York for an interview related to

To: San Francisco From: New York
Re: 209A-NY-263956, 01/22/1998

captioned matter.

To: San Francisco From: New York
Re: 209A-NY-263956, 01/22/1998

LEAD (s):

Set Lead 1:

SAN FRANCISCO

AT MILPITAS, CALIFORNIA

1. Locate HARRY WU at 168 Fountain Bleu Court, Milpitas, California, telephone number (408) 262-0219 and provide enclosed money orders.

2. Have WU sign enclosed receipt, in his true name, and return same to New York Division.

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FEDERAL BUREAU OF INVESTIGATION
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(01/26/1998)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2000

To: Criminal Investigative

Attn: SSA [REDACTED]
HCF UNIT

From: NEW YORK

CRIMINAL DIVISION/WCC/C-8

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 209A-NY-263956 (Closed)

Title: [REDACTED]

ILLEGAL SALE OF ORGANS FOR TRANSPLANT:
HCF:GSP;
OO: NEW YORK

Synopsis: Closing of captioned case.

b6
b7c

Enclosures: Enclosed for FBI HQ are one (1) original and four (4) copies of Letter Head Memorandum regarding captioned case.

Details: On November 1, 1999 a motion of NOLLE PROSEQUI was filed by USA Mary Jo White, with the UNITED STATES DISTRICT COURT, Southern District of New York to dispose of the captioned matter with respect to the defendants [REDACTED] and [REDACTED]

In November 2, 1999, the NOLLE PROSEQUI was signed by United States District Judge, the Honorable DEBORAH A. BATTS and the indictment against the defendants was dismissed.

See enclosed LHM for details.

As no further investigation needs to be done in this matter it is considered closed.

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Page 178 ~ b6; b7C; b7D;
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New York, N.Y.
Pg A1Date:
Edition:2/24/98
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Two Accused of Offering Executed Inmates' Organs

Continued From Page A1

tivist, Harry Wu, who said in an interview that he secretly videotaped a meeting with Mr. Wang on Feb. 13 in which Mr. Wang first discussed kidney transplants.

Mr. Wu, identified in the complaint only as Person A, added that Mr. Wang also said he could guarantee access to the organs of at least 50 of the 200 prisoners executed on the island province of Hainan each year. Mr. Wu said Mr. Wang told him that the kidney transplant operations would cost \$20,000 to \$30,000 at Chinese hospitals, much less than they would cost in American hospitals.

The State Department said in a recent report that there have been credible allegations from human rights groups and former Chinese inmates that the organs of some executed prisoners have been removed and sold. Mr. Wu, who spent 19 years in Chinese labor camps for criticizing China's leadership and is now an American citizen, has been urging the Clinton Administration for several years to put pressure on the Chinese Government to halt the practice.

Despite a scattering of press reports suggesting that people from other Asian countries have eagerly sought such transplants, the Chinese Government has long denied that the practice is widespread. Chinese officials contend that the transplants occur on a limited basis, and only when the prisoners or their families have given their consent.

But Mr. Wu said Mr. Wang disputed this in one of their conversations, saying that prisoners generally "have no political rights, so we don't ask." A State Department spokesman said yesterday that "we're naturally concerned about these allegations, and we're looking into it."

Mr. Wu and other rights activists, including Amnesty International of London, also have expressed concern that as the number of death sentences rises in China, to an estimated

A suspect is said to have expected big profits in corneas.

6,000 a year, even people convicted of crimes like robbery and counterfeiting are being sentenced to death, and this could help expand the trade in body parts. The press office at the Chinese Embassy in Washington did not return a call for comment yesterday.

Mr. Wang and Mr. Fu were charged with conspiring to sell human organs, a practice that is illegal under Federal law, which requires that any organs used in transplants be donated. The Federal complaint did not say whether Mr. Wang, who has been in the United States since May 1997, had arranged any sales or transplants, and law enforcement officials would not discuss that or whether they had verified that Mr. Wang had been a Chinese official.

Initial court records offered few details about the two defendants, who were arrested on Friday and taken on Saturday before a Federal magistrate judge in Manhattan. The magistrate ordered both men held without bond until further proceedings this week.

At a hearing yesterday, Marcia R. Isaacson, an assistant United States attorney, said Mr. Fu and his wife were Chinese citizens. Court papers

Evidence of a thriving but illicit trade in body parts.

said Mr. Fu earned \$600 a month from a laundry he operates in Queens.

After the hearing, the magistrate, Ronald L. Ellis, ordered Mr. Fu released on \$100,000 bond. Mr. Fu's lawyer, David B. Levitt, declined to comment. Mr. Fu's wife, Susan, said: "They wronged him. He never did any illegal thing."

Mr. Wang's lawyer, Oliver A. Smith, declined to comment other than to say that "we act on the assumption that the Constitution still works and he's presumed innocent."

Mr. Wang, who is scheduled to appear in court tomorrow for a bail hearing, listed himself in a court financial disclosure form as unemployed and said that he had about \$3,000 in savings.

Mr. Wu said he got involved in the case after hearing about Mr. Wang from someone he would not identify. Mr. Wu said he arranged to meet Mr. Wang on Feb. 13 in a suite at the San Carlos Hotel in Manhattan.

Mr. Wu, who posed as a director of a dialysis center, said that Mr. Wang showed him documents indicating that he had been the deputy chief of criminal prosecutions for Hainan Province. An associate of Mr. Wu said Mr. Wang said he was on leave and would return to that job.

With a friend's video camera taping the meeting from inside a box, Mr. Wu said he signed a contract agreeing to supply Mr. Wang with a commission of 25 percent of the costs of each kidney transplant.

Mr. Wu then called the F.B.I., which taped a telephone conversation between a second informant and Mr. Wang on Feb. 17. According to the Federal complaint, Mr. Wang said in this conversation that he and Mr. Fu expected to earn a big profit on the sale of the corneas.

The F.B.I. brought its sting to a quick close on Friday, when an agent who introduced himself as another director of the dialysis center met with both Mr. Wang and Mr. Fu. As part of his marketing pitch, Mr. Fu assured the agent that any lungs they supplied "would come from nonsmokers," the complaint said.

The issue of transplanting organs from executed Chinese prisoners has been of great concern to the international transplant community, said Ronald M. Ferguson, chairman of the department of surgery at Ohio State University Medical Center and president of the American Society of Transplant Surgeons.

He and other American doctors said yesterday that even with the most sophisticated medical technology, organs like kidneys, which are in great demand worldwide, would survive only a short time and would need to be transplanted quickly. But the doctors said it would be possible to ship corneas long distances.

Mr. Wu said most of the kidney transplants so far in China have been done in military and other Government-run hospitals.

"If they don't have a national policy, no one could make it available," he said. "So the Chinese Government is responsible for all these inhuman practices."

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Body-parts sale suspect spoke 'like a butcher'

By GREG B. SMITH

Daily News Staff Writer

A former Chinese prosecutor hawking body parts coldly signed a contract to sell kidneys taken from executed inmates, said a human rights activist who helped snare the suspect in a federal sting.

Cheng Yong Wang spoke "like a butcher in a grocery store selling meat," said Harry Wu, who posed as a dialysis clinic official Feb. 13 to secretly record Wang and an accomplice charged with peddling kidneys and corneas.

Wang and Xingqi Fu were charged Monday with illegally trafficking in body parts. Fu, a Queens laundry owner, was released yesterday on \$100,000 bond, while Wang is set to request bail today in Manhattan Federal Court.

Wu, a renowned Chinese dissident, also said the FBI was investigating two or more New York City doctors believed to be involved in organ sales. He declined to say whether he recorded conversations with the doctors.

An FBI spokesman could not be reached for comment. Marvin Smilon, a spokesman for Manhattan U.S. Attorney Mary Jo White, would only say the investigation continues.

Wu, who met for two hours with Wang on Feb. 13 at the San Carlos Hotel in midtown, said he was shocked by the suspect's chilly disposition.

"He say, 'Well, so what?' He tried to say, 'The thing is okay, no problem at all. I don't mind doing it,'" Wu recalled.

"Nothing bothered him. He makes money from the body parts. He says it's ethical, legal and 'business is business.'"

He said Wang presented documents and photo identification showing he was a prosecutor on Hainan Island in China who supervised executions.

"That guy is a prosecutor! He has two bloody hands," said Wu, who spent 19 years imprisoned in Chinese labor camps as a political dissident.

"He told me, 'No problem. . . I control the execution and I am able to do it.' He [said he had] done this around 30, 40 times," Wu said.

(Indicate page, name of newspaper, city and state.)

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THE NEW YORK TIMES METRO WEDNESDAY, FEBRUARY 25, 1998

CITY

Arrests Put Focus on Human Organs From China

By ERIK ECKHOLM

BEIJING, Feb. 24 — However it plays out in the criminal justice system, the arrest in New York of two Chinese citizens on charges of conspiring to sell human organs has drawn attention to practices inside China that have long drawn criticism from Western human rights advocates.

The two arrested men — Cheng Yong Wang, who claimed to be a former criminal prosecutor from China's Hainan Province, and Xingqi Fu, who lives in Flushing, Queens — were said to have offered to arrange for kidney transplants inside China and to export corneas and other body parts to the United States. According to a court papers filed in New York, the men said the organs would come from executed prisoners.

Asked today to comment on the charges, the spokesman for China's Foreign Ministry said the Chinese Government "has repeatedly stated clearly that such an incident should never happen in China."

"Should it occur," he said, "the relevant departments will punish people according to the law."

The spokesman, Zhu Bangzhao, was presumably referring to the overt sale of organs, which has been declared illegal in a Health Ministry regulation.

But the practice that gave resonance to the New York charges and has fueled global ethical debate — the everyday use of executed prison-

ers as organ donors — is legal here. China insists that organs are taken only from voluntary donors. According to one Chinese expert, who broke the general silence about this issue in a 1996 article in a Chinese medical ethics journal, a majority of all organs used in transplants in China come from executed prisoners. This could not be independently verified.

Over the last decade, also apparently legally, hundreds of foreigners, mainly from Hong Kong, Taiwan and Singapore, have entered Chinese hospitals and paid premium prices to receive transplanted organs, especially kidneys. These patients come from places where the medical demand for organs far outstrips supply. Most likely, many of them received organs from executed prisoners.

Human rights advocates like Harry Wu, the Chinese-born American citizen who has made this a crusade and who helped investigate the New York case, say it is impossible for condemned prisoners in China's harsh penal system to give voluntary consent for their organs to be used. These rights advocates, along with many Western medical ethicists, also charge that the possible profits, for prisons and prosecutors and hospitals, create an unhealthy incentive to condemn criminals.

Roughly 2,000 kidney transplants are reported in Chinese medical journals each year, said Dr. Charlotte Ikels, an anthropologist at Case Western Reserve University in Cleveland who has studied organ

procurement in Asia. The number is low for such a populous country, held down not only by a scarcity of donated organs but also by a lack of funds and skills to maintain transplant patients, she said in a telephone interview.

In an article last year in The China Journal, Dr. Ikels cited an estimate that from 10 to 15 percent of kidney transplants involved foreign patients. What is sometimes described abroad as a gruesome trade may

2 Chinese citizens in New York face transplant charges.

appear here as routine and acceptable; with costs relatively low, overseas Chinese come to China for many kinds of medical care, and many hospitals actually have separate wings devoted to foreign patients.

For China's money-starved medical system, high-priced transplants are a welcome source of income, and Chinese surgeons have been known to advertise in Hong Kong for transplant patients.

What the foreign transplant patients usually pay, who profits and how doctors choose which patients get priority to receive scarce kidneys and other organs are issues that

get virtually no public discussion in China.

Discussing the accused organ sellers he helped lure to the authorities in New York, Mr. Wu said the one who said he was a former prosecutor, Mr. Wang, had told him that prisoners "have no political rights, so we don't ask." Mr. Wu said Mr. Wang also said that sometimes, relatives of prisoners were paid "a little money" to get their consent to organ donation.

Such practices would clearly violate stated national policy, but it is impossible to know how actively the central Government has worked to enforce voluntary donor consent or to curb abuses.

One reason why China gets so much attention for its reliance on the organs of executed prisoners is that it kills more prisoners than the rest of the world combined. In 1996, according to figures compiled by Amnesty International, 4,367 people were put to death, while more than 6,100 received death sentences. These numbers were higher than in previous years, reflecting the Strike Hard anticrime campaign.

Comparable figures are not available for 1997, but earlier this month, a senior judge in Beijing announced that the number of death sentences had been reduced since adoption of criminal-law revisions last October.

"The greater restriction on capital punishment shows that China cherishes the lives of criminals," said the judge, Zhang Jun of the Supreme People's Court, according to the New



Frances Roberts for The New York Times
 Xingqi Fu is accused of conspiring to sell human organs from bodies of executed Chinese prisoners.

China News Agency. But Mr. Zhang gave no numbers.

Reached by telephone today, an official of the Hainan Province prosecutor's office, Wang Shiqi, said that Cheng Yong Wang had worked at a branch office several years ago. On being informed of his arrest in New York, however, the official changed his mind and said the man had never worked there.

Then he said goodbye.

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PUBLIC LIVES

Witness to the Atrocity Behind the Medicine

By JOYCE WADLER

EVERY atrocity spits out a few, the ones who make it through and cannot forget, who are oppressed with the need to bear witness. Close your eyes and Harry Wu, the human rights advocate, might be Elie Wiesel. Just a few details of time and geography are different.

Mr. Wu was 23 when one of Mao's crackdowns caught up with him, in 1960. His father had been a banker in Shanghai; Mr. Wu had been educated by Jesuits. Mr. Wu's crime: being a counterrevolutionary rightist. He spent 19 years in prison camps.

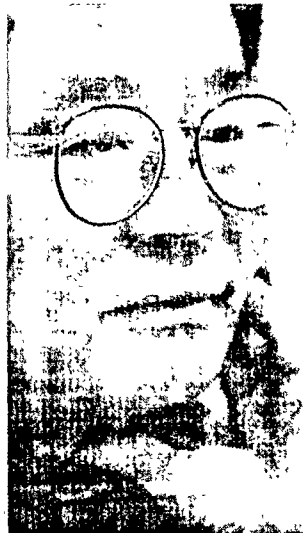
"They broke my back, they broke my neck, they broke my arm, they broke my leg," Mr. Wu says, in heavily accented English. "I was put in solitary confinement, in cement, a case made from cement. Six feet long, three feet wide, three feet high. A coffin. I was 23."

Now Mr. Wu is 61. He has been out of the prison camps for 20 years and still the Chinese Government obsesses him. He has written three books on his experiences with the Government, the third of which is titled "Troublemaker." He has made four undercover trips to China to research and document human rights abuses.

Earlier this month, Mr. Wu posed as a doctor, meeting with two Chinese citizens who reportedly offered to sell him kidneys from prisoners who had been executed in China. That meeting, which Mr. Wu videotaped, led to the arrest of the two men by the Federal Bureau of Investigation earlier this week. One might argue that it was foolhardy for a man who has been featured on television to do this work, that it might have jeopardized the investigation, but that would be missing the point. The point is, Mr. Wu's life was stolen and he wants to do something about it. The point is, it's personal with Mr. Wu.

"There are Chinese doctors who say, 'I am sorry about those criminals, but I care about my patients,'" Mr. Wu says, enraged. "The criminals, they're shot, they die, it's a waste if we don't use them. Anyway, they're dead, they don't have rights."

What about the argument that if the organs are used, others may live? "I'm going to donate," Mr. Wu says. "I carry the card in my wallet. I think donation is a good thing. But



Andrea Mohr/The New York Times

Harry Wu, 61, a former prisoner in China, is outraged by its traffic in human organs.

look at the law. The constitutional code has 16 crimes which carry the death penalty; 9 are so-called political crimes. There is no justice, no real attorney system, even today. I never had a lawyer, no trial."

MR. WU is also suspicious of the guidelines he says the Chinese claim to follow. Their criminal code, Mr. Wu says, gives the Government the right to extract body parts when the condemned give their consent or when their bodies are "uncollected."

"Uncollected dead bodies," what that means?" Mr. Wu asks, angrily. "Take myself. When I was labeled as counterrevolutionary rightist, all my family separate from me. My mother commits suicide. In 19 years, I have one visitor. My older brother comes to visit me, first month, that's it. They have to separate."

A man in desperate conditions will consent or confess to anything, Mr. Wu says. He confessed to crimes he did not commit when he was arrested during the Cultural Revolution — his captors showed him a room of the dead and bleeding. The Jews in the concentration camps sometimes also consented. He went to Auschwitz himself, in 1994. He saw the evidence.

"The Nazi doctors, they try to find

out how save lives if the German U-boat is sinking in the cold water," Mr. Wu says. "They use a dog, they use a rat, then the Nazi doctors say, 'Oh, every day, couple hundred Jewish walk into the gas chamber, this is a waste, O.K.? Then the Nazi doctor presents himself in front of the Jewish prisoners. 'Hey, are you willing to come into my lab? This is a paper. Sign it. I am not guaranteeing your life, but there is a chance. For two weeks, you will have good food. Otherwise you will go to the gas chamber.'"

Mr. Wu came to the United States in 1985 and became a citizen in 1994. He still wishes to be buried in China. He is married and lives in California, but he is rarely home. Last year he had 200 speaking engagements. His investigative trips, often carried out alone, have been dangerous. On Mr. Wu's last trip to China, in 1995, he was arrested at the border, charged with spying and deported. Mr. Wu insists he would have preferred to stay.

"I wanted justice," he says. "If they keep me, that means people are aware there is an injustice system."

The Chinese people might not be informed.

"Yeah, there is a chance, the Chinese, maybe only a very small group would know," Mr. Wu says. He recites the chant of the ones who are doomed to bear witness. "But anyway, if I don't go, who else to go?"

Perhaps Mr. Wu wanted to die? "I want alive, I want alive much as anyone. I lost my life. If God say to me, 'Harry, I know you suffered, I wanted to give you a favor, what do you want?' I want 20 years back. It's not possible. That's why today I work very hard. I am 61 years old. I know the time for me is very short."

He snatches up a document in Chinese regarding the use of organs from condemned criminals, so passionate now that his speech becomes rushed, harder to understand. He is asked to repeat himself.

"Uncollected body is possible Harry Wu's body," he says, almost shouting. "Do you want buy this kidney? From executed prisoners. Who is the executed prisoners? Maybe is Harry Wu. So you want this one? You don't care? You just want a kidney? A part, body parts for yourself? Explain to me what is so-called uncollected body. Explain to me how prisoner have a consent."

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ARRESTS

Human organs for sale?

New York residents Cheng Yong Wang and Xingqi Fu were charged last week with attempting to sell human corneas to an undercover FBI agent. Selling human organs is a felony offense.

Chinese nationals Wang and Fu are alleged peddlers of body parts taken from executed Chinese prisoners, according to the U.S. attorney's office. Wang allegedly vouched for the quality of his inventory, saying he had participated in executions himself, prosecutors report.

The FBI had been alerted to the



Wang in custody.

pair last month by noted human rights activist Harry Wu. He and various rights groups allege that China illegally markets human organs. The Chinese government vehemently denies the allegations, and an unidentified government spokesman has told U.S. officials China has "never found a case involving the illegal shipment

of human organs to foreign countries."

The penalty for organ trafficking is a maximum five-year prison sentence and a fine as high as \$250,000. —Barbra Murray

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Absent Witness Spurs Judge to Delay Trial of 2 in Organ Sales Plan

By BENJAMIN WEISER

A Federal judge has delayed the trial of two men who were charged in a scheme to arrange the transplant of organs taken from executed Chinese prisoners, questioning whether the defendants were entrapped in the case, and expressing concern over the absence of a crucial witness.

When the arrests were announced last year, Federal officials said the case could provide the first evidence of what dissidents have long described as a thriving trade in human organs in China, and its reach to the United States, where it is illegal.

The Government charged the two defendants after the F.B.I. mounted a sting operation using information from the human

rights advocate Harry Wu about the conspiracy to sell the human organs. The two defendants are Cheng Yong Wang, who has described himself as a former prosecutor on Hainan Island, China, and Xingqi Fu, a Chinese citizen who runs a laundry in Flushing, Queens.

Mr. Wu's role in the case had already drawn fire from the defense, which contended that he held a grudge against the Chinese leadership and had set up the defendants to advance his agenda. Mr. Wu, who has denied those allegations, was expected to testify at the trial for the prosecution.

But the question of entrapment arose again after the defense lawyers told the judge, Deborah A. Batts of Federal District

Court in Manhattan, that they had discovered that a second Government informer had played a much greater role in the case than was previously known, including orchestrating much of the illegal activity charged against the defendants and pushing them to join the conspiracy.

The Government has disputed the defense's contention, and said there was no entrapment in the case. But Judge Batts said in court last week that she was troubled that the second informer, a man named Paul Risenhoover, described as an American long active in the Chinese dissident movement, had left the United States and is now refusing to return to testify.

The defense lawyers, who wanted to ques-

tion Mr. Risenhoover, are now asking that the charges against Mr. Wang and Mr. Fu be dismissed. Judge Batts has delayed the trial in order to decide whether it will be fair to proceed without Mr. Risenhoover.

"The defendants have raised, I think, troubling and serious issues regarding their rights, in terms of the unavailability of a primary player in this series of events," Judge Batts said.

Citing the informer's "not being available, compounded by entrapment, compounded by Mr. Risenhoover's active role in these things," she said, "I think fairness requires the defendants to be able to con-

Continued on Page B3

Absent Witness Spurs Judge to Delay Trial

Continued From Page B1

front this man."

She added, "He essentially is such a seminal and significant and integral part of this case."

A spokesman for the United States Attorney's office in Manhattan said yesterday that officials there would have no comment. The Government has filed secret court papers with the judge pertaining to Mr. Risenhoover's role, the court docket shows.

But last week in court, Federal prosecutors told Judge Batts that they disagreed with the defense's contention that Mr. Risenhoover's presence was critical, or that his testimony would even be admissible at trial. The Government made clear that it does not believe that the defendants were entrapped in any way.

Little is known about Mr. Risenhoover, who is about 30 and said to be a native of Oklahoma who was studying in China in 1989 at the time of the student protests and deaths at Tiananmen Square. He was described in court by a defense lawyer as a fervent anti-

Questions on whether defendants were entrapped.

Communist who is fluent in Chinese and fears for his safety because of his strong opposition to the Chinese Government.

The defense lawyers had said they wanted to question Mr. Risenhoover because records obtained from the Government show he instigated the scheme. They say he aggressively recruited their clients into the conspiracy, then handed the case off to Mr. Wu, who informed the F.B.I.

Oliver A. Smith, the lawyer for Mr. Wang, said in court that Mr. Wang had been in the United States, seeking advice about a visa, when he was referred to Mr. Risenhoover, who said he was an immigration counselor.

Mr. Smith said that Mr. Risenhoover told Mr. Wang that he could get him a visa, but in return Mr. Wang would have to use his

former contacts in China to help arrange the transplants of organs from executed prisoners.

The scheme, as laid out by Mr. Smith, involved patients from Aruba and did not involve the United States, meaning it was not illegal, Mr. Smith said, according to a transcript.

Mr. Smith told the judge that Mr. Wang never agreed to any activity that was illegal in the United States, and that Mr. Risenhoover persisted in drawing the defendants aggressively into the conspiracy.

"It is entrapment, Judge," Mr. Smith said. "It is not a situation where my client came to Mr. Risenhoover. It is a situation where Mr. Risenhoover came to my client."

Mr. Smith said last night, "I stand by the arguments I made in court."

Mr. Fu's lawyer, Stephen L. Cohen, concurred, saying: "As I argued in court, the unavailability of the informant denies my client his Sixth Amendment right to confrontation. He's absolutely the crucial player," Mr. Cohen added, referring to Mr. Risenhoover.

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Judge to Delay Trial of 2 in Organ Sales Plan

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Judge Angrily Voids Charges That 2 Chinese Tried to Sell Body Parts

By BENJAMIN WEISER

Federal charges against two men accused of conspiring to sell human organs taken from Chinese prisoners were dismissed yesterday by a judge who sharply criticized the Government for building its case around an informant she denounced as "a fraudulent opportunist."

Judge Deborah A. Batts of United States District Court in Manhattan said the informant, Paul Risenhoover, had been seeking to overthrow the Chinese Government and might have entrapped the two defendants. She said Mr. Risenhoover was now refusing to return from abroad to appear at trial, which denied the defendants their Constitutional right to cross-examine him.

While Judge Batts did not rule on the merits of the charges against the defendants, Cheng Yong Wang and Xingqi Fu, she

seemed to agree that Mr. Risenhoover had orchestrated much of the illegal activity in the case, and had pushed the defendants to join the conspiracy.

A lawyer for Mr. Risenhoover, Carlyle R. Hatfield, said his client denied any wrongdoing and had refused to return to testify because his wife is Chinese, and Mr. Risenhoover feared that Chinese officials might retaliate against her extended family in China.

"Paul Risenhoover is one of the most patriotic people I know," Mr. Hatfield said. "This is his country and he loves it very deeply. His motivations are based on historical precedent and religious faith."

Federal prosecutors in Manhattan would not say last night whether they would appeal the judge's decision, but they defended their actions in the case.

"The Government believes that its investigation and prosecution of this case was responsible and well founded," said Herbert Hadad, a spokesman for Mary Jo White, the United States Attorney. "We respectfully disagree with the judge's analysis and conclusion, and we are reviewing her opinion and assessing our options."

The prosecution had been widely watched because the charges appeared to confirm what Chinese dissidents and United States officials have described as a thriving trade in China in which, they say, kidneys and other organs taken from executed prisoners are sold for use in transplants.

The case, which suggested that the activity had reached the United States, had also received attention because it resulted from a kind of private sting operation run by a prominent human-rights advocate, Harry

Wu, who made his findings available to the Federal Bureau of Investigation, which then conducted its own inquiry.

Mr. Wu declined to comment on the dismissal of the case because of the possibility of an appeal, but he reiterated his view that the organ trade "is a violation of human rights, and you cannot dismiss that."

In her 155-page opinion, Judge Batts also attacked the Government's investigative work, charging that some records had been submitted to the grand jury with pages missing and that a secretly taped conversation of a meeting between Mr. Wang, an F.B.I. agent and Mr. Risenhoover had been mistranslated by Mr. Risenhoover.

In what she called "the most egregious" example, the judge quoted an undercover

Continued on Page B5

Indicate page, name of newspaper, city and state. <i>NEW YORK TIMES</i>	
Date: <i>3-16-99</i>	P <i>B1</i>
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Character: <i>Wu</i>	
Classification: <i>WU</i>	
Submitting Office: <i>NY</i>	
Indexing: <i>Wu</i>	
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A26

CITY

Missing Witness Spurs Dismissal

By Patricia Hurtado

STAFF WRITER

Charges were dismissed yesterday against two Chinese nationals accused of trying to sell the body parts of executed Chinese prisoners after a federal judge noted it would be unfair to proceed because a key witness, whom she called a "fraudulent opportunist" is missing.

U.S. District Court Judge Deborah Batts criticized federal prosecutors in the office of U.S. Attorney Mary Jo White in Manhattan for waiting until the eve of trial to announce that Paul Risenhoover, had left the country and had refused to testify.

The trial of Cheng Yong Wang, 42, who was allegedly a former prosecutor in the Chinese island province of Hainan, and Xingqi Fu, 36, who owns a laundromat in Woodside, was slated to begin last month.

But Batts adjourned the case after defense lawyers charged that Risenhoover played a much more influential role in the case than previously believed.

"The cumulative effect of the government's actions, delay and inaction, and Paul Risenhoover's resultant unavailability, would deny the defendants a fair trial," Batts wrote.

2 were charged with selling human organs

When the charges were filed last year, prosecutors said the case illustrated what dissidents and human rights activists have long charged as the active trade in human body organs for transplant in China.

Well-known Chinese dissident Harry Wu tipped off the FBI and federal prosecutors to the alleged scheme. Wu videotaped Wang allegedly trying to sell him body parts during a February, 1998, meeting at a Manhattan hotel.

Both defendants, who are from Flushing, were charged with conspiring to arrange for Americans to travel to China for transplants and also plotting to ship human body parts — such as corneas — to the United States.

But defense lawyers charged that their clients had been "entrapped" by Wu and Risenhoover, saying they had an anti-Chinese government agenda.

After reviewing all the tapes and transcripts in the case, Batts noted that the charges relied heavily upon

conversations that Wang had with Wu and Risenhoover, who federal prosecutors said was now unavailable to testify at the trial. "While this case apparently dropped in the laps of the government by the politically motivated Wu and Risenhoover, there appears to have been no objective investigation or verification of the informants," Batts charged.

Batts noted that for months, prosecutors withheld information about Risenhoover's activities, including a scam in which Risenhoover allegedly offered to help students get into the University of Aruba Medical School for a fee. Batts noted that there is no such medical school.

A spokesman for White, whose office prosecuted the case, said yesterday it was unclear if they would resubmit the charges.

"The government believes that its investigation of this case was responsible and well-founded," spokesman Herbert Hadad said. "We respectfully disagree with the judge's analysis."

Stephen Cohen, a lawyer for Fu, said his client was elated with the news the charges would be dropped. "He always believed the system was going to work for him."

Oliver Smith, a lawyer for Wang, who has been jailed since his arrest last year, did not return calls.

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Key Witness Reappears in Case of Chinese Body-Parts Sales

By ANTHONY RAMIREZ

With a key witness who had disappeared now offering to testify, Federal prosecutors have reopened their case against two Chinese citizens charged with trafficking in human organs harvested from executed Chinese prisoners, a lawyer involved in the case said yesterday.

Oliver A. Smith, a lawyer for one of the two accused men, said that Judge Deborah A. Batts of United States District Court in Manhattan, who had dismissed Federal conspiracy charges against Mr. Smith's client in March, reinstated the case yesterday. Marvin Smilon, a spokesman for Mary Jo White, the United States Attorney for the Southern District, confirmed that the case had "been reinstated," but would not elaborate. The Government witness, Paul Risenhoover, has been described by defense lawyers as an American immigration counselor active in the

Chinese dissident movement. When Judge Batts dismissed the case in March, she described him as a "fraudulent opportunist" who may have sought to entrap the two Chinese defendants, Cheng Yong Wang and Xingqi Fu, for political reasons.

In a 155-page opinion, Judge Batts accused Mr. Risenhoover, who studied in China and speaks Mandarin, of mistranslating a critical passage in a transcript of a conversation taped by the Federal Bureau of Investigation.

In what Judge Batts called "the most egregious" example of Mr. Risenhoover's "unreliability," she quoted an undercover F.B.I. agent asking Mr. Wang whether unclaimed bodies of Chinese prisoners were buried or were sold. Mr. Wang replied in Mandarin Chinese that they were buried, not sold, the judge said. But Mr. Risenhoover's translation indicated that the bodies were sold.

She dismissed the case because she said Mr. Risenhoover had refused to return from abroad to appear at the trial, denying the defendants their Constitutional right to cross-examine him.

Mr. Smith, who represents Mr. Wang, said he had received a copy of a brief letter that Judge Batts had received from Federal prosecutors on Friday, saying that Mr. Risenhoover was available to testify.

Mr. Risenhoover could not be located for comment yesterday, and his lawyer, Carlyle R. Hatfield, did not respond to telephone messages.

The case received wide attention because it appeared to confirm what Chinese dissidents and American officials have described as a growing trade in kidneys and other organs harvested from executed prisoners and sold in the United States for use in transplants. It is illegal in the United States to deal in organs that

have not been voluntarily donated. The case also gained attention because the Government had relied, at least in part, on a private sting operation run by a prominent human-rights advocate, Harry Wu.

In March, Mr. Hatfield said that Mr. Risenhoover denied any wrongdoing and had refused to return to testify because his wife is Chinese and he feared that Chinese officials might retaliate against her family in China. He said, without elaboration, that Mr. Risenhoover's actions were based on "religious faith."

Mr. Smith described Mr. Wang, a former prosecutor on Hainan Island, China, as being under virtual house arrest in New York with an electronic ankle bracelet monitoring his movements.

Stephen L. Cohen, a lawyer who represents Mr. Fu, a Chinese citizen who operates a laundry in Queens, could not be reached for comment.

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